

claim dependent upon new Claim 38.

Remarks

Claims 24, 31-37 and new Claims 38, 39 and 40 are now presented in this application. All other claims are cancelled. In the Advisory Action mailed 11/30/2005, the examiner said "Claim(s) allowed: 20-37" (Section 7). Claims 20-23, 25-26 and 28-29 were previously cancelled.

In a Dec. 8, 2005 phone conversation with the examiner, the examiner suggested formerly allowable Claim 30 did not distinguish over the art, because the recited hinge braces (32 and 32') did not differ from Baumann's hinge rectangles (3 and 4), but in comparing applicant's Fig. 8 to Baumann's Fig. 4, Baumann's hinge rectangles are not brought face to face and do not extend beyond the plane of the closed ring elements (1 and 11), while applicant's hinge braces (32 and 32') are brought face to face and do extend beyond the ring elements . Applicant's structure not only strengthens the binder, but assures that pressure on the spine which brings the braces 32 and 32' face to face encourages the rings to close. Applicant has added to Claim 38 the limitation **—and said hinge braces are arranged face to face extending beyond the plane of said ring element—**.

In the Advisory Action, the examiner found that the limitation "said hinge member on said spine dividing the strip into longitudinal sections" resulting in a need for further search and consideration; new Claim 39 omits the objected to limitation **"said hinge member on said spine dividing said strip into longitudinal sections,"** and it includes the former allowable Claim 27 limitation to define over the elongated slot (7) of Heusinkveld plus an additional limitation to define invention over Baumann, which has a recess (18), in the ring element so the slot does not extend through it. This new limitation states **—each ring element has an interior slot extending substantially more than half the length of and through said ring elements—**, and provides a

means for directing stress on the binder to the slots, rather than at the male and female fasteners, a feature not found in Heusinkveld, where the slot (7) merely functions to permit squeezing the locking surface (6) to engage the side opening (11), but has nothing to do with directing stress..

New Claim 40 is identical to new Claim 39 except without the limitation "each of said rings having a slot spaced apart from its ends" but with the limitation that --said hinge braces are arranged face to face extending beyond the plane of said ring elements--. Applicant submits it is entitled to a claim which included the special hinge braces but excludes the limitation of the elongated slot, as each element defines invention in the environment claimed.

In a telephone conversation with the examiner held this date, the undersignedorney agreed with the Examiner to submit this amendment which would place the case in allowable condition so that the examiner could formally consider it. Counsel thanks the examiner for his consideration and solicits allowance of all the claims remaining in the case.

Please charge any additional fees to Deposit Account No. 06-0040 of the undersigned.

Respectfully,

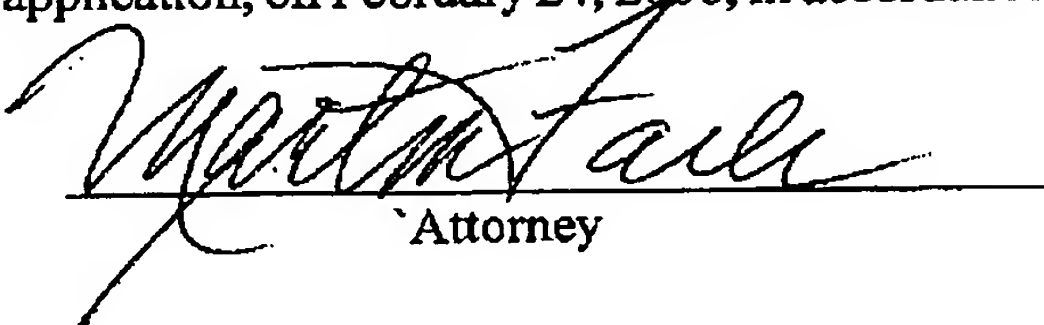


MARTIN FAIER, Attorney for Applicant

Faier & Faier P.C.
566 W. Adams St. #600
Chicago, IL. 60661
312/382-9500; Fax: 312/382-9200
Email: mmfaier@faier.com

Certificate of Submission Via Fax

I certify this paper is being submitted to Fax No. 571/273-8300, the fax number for Art Unit 3722, the number provided by the examiner in this application, on February 24, 2006, in accordance with the Rules.



Attorney